G. R. S. 58]

Previous references.

1897-98.
~~191~~ .
(L+R.)

File No. 2 9 3 /97

Serial Nos. 1 — 8.

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 8.

R. S. ~~Part B~~ for July 1902.

SUBJECT.

Appeal against the sale for arrears of Kulvat certain lands belonging to Sitamma Heggadati, Judicial D.o Byrumbli.

From. Sitamma, Heggadati.
Sl 1 No. 2817 D. 18. 5. 98.
Appeals against the order of the Dy Comr. Kadur Dist
do. 1809 D. 26. 2. 98.
To. The Dy. Comr. Kadur Dist
Sl 2 Ref 1510 D. 23. 6. 98.
Forwards copy of the above for report of the facts of the case.

W D 1351—GPE—20,000—18-12-15

Sl 3. From. Dy. Comr. Kadur Dist.
71 D. 5. 8. 98.
Forwards memo prepared in this office with orders of the Dy. Comr. for Piri, Thereon.

sl4. From Sitamma

1907 dt 24.3.900

Prays that her case may be disposed of soon.

sl5. From Dy. Comr. Kadur Dist

126 dt 20.8.07.

With reference to sl3 requests to favour
of early orders on the subject.

sl6. From Dy. Comr. Kadur Dist

399 dt 2.12.07.

Requests early orders on the subject inquiring

sl7. to Sitamma.

2817-1 dt 8.7.02.

Informs that her petition has been forwarded
to the Dy Comr for disposal and that his attention
is drawn to Notification No 2116. P.F. 58-95 dt 16.5.02

sl8. To Dy. Comr. Kadur Dist

63 dt 8.7.02

Forwards copy of the above.

Indexed

Kittur Nagesa Hussain.

(1)

1898

No.

Name of Petitioner

Village

Taluk

District

Date of Arzi

Date of Receipt 18-5-98

Date of Disposal

No. of Enclosure One

B

ABSTRACT

Appeals against the order of the Dy. Collector Kadur dated 26-2-98 which is as follows:-

(1) The registered Kharita Patta (Lease) was cancelled by the (Lease) was cancelled by the Revenue Authorities.

(2) The Patta for the Land and Lease are separate. That is - declaring the Patta granted as Lease be Excess Land of Ceiling Area as Khata not have been cancelled and disentitled the Petitioner to get the Lease in connection with the Lease. The Petitioner has applied for Patta of the Land as Lease but the Authorities have not considered his request.

30 5 98

Gen. Rds.

Please see Dr 138 93 & put up the file.

7/6/98

Please see Dr 1235 93/94 for the above file.

7/6/98

Subd

(1) 2 Rs stamp affixed - stamp sufft

(2) The Order/Proceedings under appeal against is dated 26th Feb 1898 - the time fixed by law for filing the appeal

3/6/98 expires on the 26th inst. The appeal memo bears the K Lakshmipathi Naidu of Kyatanahalli

7/6/98

Le jour ville de Kapo
se fait sup

The Khalsat, tablet & the whole sum
but not the jewels only. Whether
it not liable to pay Khalsat amount
the whole sum or the sum paid
by Mariappan Pegadai. Pl. 5-11-0. Re-
-solved that the sum in the Pegadai bill
on deposit Pl. 15 according to the
Pegadai bill & not the whole
amount. Reason given the amount
on which is given the Pegadai -
Mere Circumstance that it is given
to sell the jewels pledged in the Pegadi-
-ment while the Pegadi's Estate
of sum necessary to the question that
does not keep proper Settlement?
Mandapam -

Respectfully submitted
Pl. Magistrate Mandapam that Appellate
Pegadi Mandapam for Pl. Mariappan
in the Pegadi bill of Pl.

DC
21/5/28.

In the case the
question is from what
the assessment on
the Khalsat
portion of the

minor Inam is to be levied
The file put up with show
that Mr Chentsal Row
proposed in 1894 an
amendment of the wording
Rule 3 of the Rules published
under Notfn No 153 dt 12/12/87
(3rd page in Sno 12).
This amendment has been
previously given effect to
in the decisions in the case
of Putta Jois of Tumkur and
Subba Bhatta of Hiriyaballi
Belur taluk.
The effect of the Rule of 1887
was to treat the Khalsa
pattas as a ryotwari land
in every respect while the
effect of Mr Chentsal Rao's
amendment is to treat the
as a portion of the Inam &
to hold all the Inamdars
responsible for the

payment of the assessment
on the excess.

When I came to Study this file
& the connected individual
cases (about 6 in number),
it was found that Mr
Chentsal Row's objections
to the rules of 1887 (which
are practically those of 1881)
had been fully discussed
in the years 1878–1881
It was therefore determined
to send all the papers relating
to excess in minor shares
(whether as regards rate
computation, allocation & the
responsibility of the trustees)
for being printed in a continuous
form. These papers were sent
to press on 14/6/95

= As regards the present case
the D. Comm^r's order is in accordance
with the rules of 1887 while the petr^r
claims treatment similar to that in
Pulla Jois' case (Sno 9 in the file)
The subject is an intricate

Pet no 2817. 7

One & C and be discussed only with the aid of the papers sent to the press.

A report with records may be called for in this case.

Sub'd to 2nd Committee

16/6/98

Yes - I should like to see the pamphlet

17.6.98

19/6/98

20/6/98

Approved

20/6/98

8

Petition No. 2817 of 1897-98

Petitioner - Sitamma Heggadati
By avanahalli
Chikmagalur
Taluk

X In allocating the Inam in Case No. 145/278 in Kudevalli village, Chikmagalur Taluk, the following S. Nos were brought under Excess:-

H. S. Nos	Area a-g	Assessment R-a-p
170 —	4-14 —	16-0 —
171 —	4-6 —	3-8 —
174 —	3-32 —	12-0-0
	12-12	31-8

There appears to be 5 inamdars for the Inam of whom Ramaji (son of Subba) possesses 1/5 share and the petitioner represents the other 4/5 inamdars. Ramaji is not in possession of any of the above lands brought under Excess, but is in possession of 2 Inam Nos. He refused to pay any portion (1/5th according to the Circular) of the assessment

* When these lands were transferred to Kasturi in 1896-97, the numbers became changed, but this need not be noticed

Refer me to the Collector for report and send this with the connected papers

9/6/02

Sd 9/6/02

Please see separate note 10/6/02

for 3 years due on the Excess.
As the other Inàmdars had
paid 4/5 th of the assessment
on the Excess, the Amildar,
sold one of the Inàm Nos
in the possession of Mangia
in satisfaction of the balance.
In support of this procedure
the Amildar relied on the
Government order in
Subbabhatta's case.
5) On appeal by Mangia
the Deputy Collector (Mr. Weir)
passed the following order:-
'On the view that the authorized
account shows the arrears
as being due only on the
Khalsa lands and not
on the Inàm lands, the pro-
ceedings against the Inàm
lands were not legitimate
and must be disallowed.
The arrears should now be
recovered from one or more
of the Khalsa Nos. The
Amildar will be careful

to act hereafter with more discretion".

(3) Against the above order the petitioner has appealed to Government and urges that it is against Govt. orders to hold that the assessment on the excess is not jointly due by the Inundars. The only course open to Govt. seems to be to pass the draft amendment to the Rules of 1887 proposed by Mr. Scientific Officer and Mines legalise the decision in debatable cases.

The Deputy Commr. can then be requested to dispose of this appeal in accordance with the rules.

The D.C. office records in the file the last paper in the V Record) shows that a reference to Govt was contemplated

18/11/02

This has been done and the order will be sent to Govt

17/5/02

Report No 5 L Committee

Please see subject No
1605 in the D R A Proc
of 1897 (herewith pencilled)
The attention of Dist
Supt & the Dy Comrs Hyd
Dy Comrs & Dist & the Dist
Supt & the Hyderabad Dy Comrs
have replied
These will be found
in the file relating to
Sikka Bhatta's case
already dealt
The Dist Supt suggests
that the term Khalsat
be abolished & the term
"Kassar" be substituted
Other

Refer pencilled 11/1/99. 10/1/99.

The case is analogous
to Poona Dist Nooba
Khalsat case - &
all the boundary
must be held liable
for the Khalsat amount
But there is a good
deal of complication
inherent in the original
wording of a general
order modifying the
existing orders -
where important
considerations for both
Mer lands separately
were
(1) that they should
be admit of
perennial
remission of assessment
as all other Kaudayam
lands
(2) that the holders
should have
facility in changing
them up whenever
wanted.

(2) is even more im
portant than the
(1) and the reasons
for is connected in
the interest of the

Inamdar having
Writ is to form a
permanent adjuncts
of the Inam and to
be called a hereditary
or Inam Kasar this
transferability will
cease as its characteristic
and the incidents of
Sat tenure the
Inamdar will be
defeated. So far
there have been very
few cases and do
they justify us in
altering the existing
rules and the character
of the land? I would
wish to grant
I consider this a part
of the Govt & favour me
with his further opinion

In the meanwhile
the Khalsa areas
might divided to be
held in perpetuity
from all the Inamdars
There is no reason to
allow those areas to
accumulate or
to fall upon Govt

of the Boundary
Award
26.IV.00

12.20/4/00.
Two draft pulled up.
30.4.00

Resumed 2nd Committee Mtg.
draft

1). As regards the cancellation of the Governor's order, the Petrs will have to be heard if the appeal in this case is considered as "a claim connected with or arising out of any proceedings for the realization of Land Revenue"

The fact that in this case the Civil Courts have no jurisdiction shows that this comes under the above clause.

But at the same time it is a question whether clauses

a to g (except b) of Sec 221, LR Code which were made wide enough to bar civil jurisdiction in Revenue matters are adapted for defining the limited class of cases intended to be heard by 2 members of Board at

2). As regards the reference to Col. Grant, I beg to bring the following point to notice before the letter is issued.

The difficulty referred to in the concluding portion of para 1 of the above draft was foreseen by Mr Chentsal Rao who devised a remedy explained in para 3 of his draft

15

Order 5/5/94 (678 of
Printed Papers relating to
Khalsa)

This remedy is not
perhaps simple but
this is the method
followed in Madras
(Para 3 of Standing Order
No 125 of the Board of
Revenue).

The Manager's attention
may perhaps be drawn
to the Madras method
& his opinion obtained
regarding its workability

K/Work 2/5/00

296.30Ku
3.5.900.

This has been received
without proposal from
the Manager to which it
had been submitted as

Councillor. The question raised therein has to be decided. As regards the substitution of 'Kusa Jodi' for Khalsat ii, a draft copy to the Devasom's order as Commissioner is drawn up.

Submitted to the Vth Councillor.

24/1/1902

25/1/02

RD 25/1/02 1467

Vide Exc. Order as regards Sitamma. Regarding Complaint of the Govt. Council for Reserving.

Before the Government of Mysore.

Appeal No. 33 of 1901-02

Appellant.	Respondent.
Lakamma Nagappa Jotisa of Kalkally residing at Nagara- valli Chickmagalur Taluk	Manjiah Son of Subbiah Kaggavalli Chickmagalur Taluk

Appeal against the Dy. Commrs order directing the sale of the Petrs' kabzah lands for arrears due thereon altho' she has paid her share.

Posted 5 12.6.02

Notices Served 13.6.02

Parties absent in person.

Order.

The Dy Commr's order cannot be sustained. His attention will be drawn to Instruction No 2105-07 dated 30.5.95 in Mysore Code and it will be required to take the requisite action in

2817

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
RECD. IN 2817
DATE 18-5-98

12-5-98

Appeal filed on 33 Rs. Stamp

Appeal Petition
12.5.98

23-6-98

(2)

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 287 dated without date on 18-8-98 received at the Dewan's Office from Silamma Heggadthi daughter of Kalhalli village, residing at Byaranalli in the Chickmagalur Taluk, appealing against the order of the Deputy Commissioner, Kadur directing the sale of the khasal lands in the possession of the appellant for the arrears of kandayam rent, is forwarded, together with its enclosures, to the Deputy Commissioner of the Kadur District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

Secretary

BANGALORE,
22/6/1898.

L R
23787
3

REVENUE DEPARTMENT
Gl. No. 1117
AUG 13 1898
Date 6 S 1898
DEWAS Cr

(3)

From The Deputy Commr
Kaira District

To The Secretary to Govt
General and Revenue Deptt

Dated 5th
Despatched 9th August
Received
General No. 71
No.

Enclosure No. ver: Records

With reference to official memorandum No. Ref 1510 dated 22nd June last, forwarding for report petition of Lakshmanna Yeggadee pujaree of Byramalli in the Chikmagalur Taluk appealing against the order of the Deputy Commissioner directing the sale of the Dharkast lands in the possession of the petitioner for the arrears of kandayamenee through the Havaldar, I have the honor to forward herewith memorandum prepared in this office with the orders of the Deputy Commissioner

Pittum 8/8
12/8/98

Rec 15/8
Ref= putap
AK
16/8/98
Subd to 2nd Commr
with Records & b Mr
MG
17.8.98
Pls, ~~Ltd~~ relating to the
penal question

Ag 16/12/98
207 Rev.
17.12.98

This matter was fully discussed in a recent meeting of the representative assembly when was the result. Subs Allen's. Supt also. Reports copy we hope for heard until 9.1.99

11
11

Mrs Weightman.

2 Vernacular correspondence inclosed for perusal and favour of return.

Depth, Commd
Wades Fleet

Ref[illegible]
4.0

To Ver Records for refers

Rec'd
2/4/00 Recd 1-15 P.M.
2/4/00

To
The Petn Branch

Petn Regd no. 2817 of 97/98 from the Petr was forwarded to the Deputy Commissioner with Memo no 2817 dated 22/6/98. The same petn which had been sent here for reference, was, from this Branch, sent to the General Records for records and for being sent to the Petn Branch on 30/5/98

N.S.
Rec'd 3/4/00

To Gl Records for compliance

Please refer to Madras Rs/Records
Ltr to Dy Collr Kadur dated 5th August 1898

Ref

To Ver Records.

4/4/00

Rec'd
4/4

To Petn Branch

Please vide the ref[illegible] by the Gl Records.

N.S.
5/4/00

At 63758

CR (4)

1900 293797

No. 1907 C

Name of Petitioner Lilamma Reggan

Village Byaderenelli

Taluk Chickmagalur

District Kadur

Date of Arzi 24-3-900.

Date of Receipt 25-3-900.

Date of Disposal

No. of Enclosure Nil.

ABSTRACT

With reference to this Govt Endt No 2817/98 dt 20-5-98 calling for a report from the Dy Commr in the matter of her petn appealing against the Dy Commrs order,

Prays that her case may be disposed of soon, after informing her the date of the hearing of her case.

SM
30/3/900

1907

MYSORE GOVERNMENT OFFICE
PETITION DEPARTMENT
RECD No. 1907 R
DATE 28-3-1907

ಮಾನ್ಯ

ಇಂತಿ ವಿಧೇಯ

LR 153 (5)

Gen. Records.

238777 (General Serial No. 30.)

Please put up the file relating to the Dr. 71 & 5-8-98 from the Resident

AR
26-8-01

There is an entry in the Press Register of 15-9-99 to show that the file relating to 4371, 5/8/98 from D. C. Walker as having been submitted to 2nd Councillor on 10/1/99. Beyond this nothing is marked in the said Register.

RB 27/8/01

27/8/01

28/8/01

The subsequent reminder from the Dy Comr No 399 dated 5-12-01 is also put up with the file.

Mr. C. C. Ramadas
Please see if the file referred to is pending there and if so, please place these two reminders in the file.

7-1-02

R. 10/1/02
Comp. Circulating
1373

Submitted with the file
CCR
10/1/02

2566
23-8-01
GOVERNMENT OF MYSORE
1901-02

From V. N. Sankaran
Dy. Commissioner
Kadur Dt.

To The Commissioner & Ex-officio Secy. to the Govt. of Mysore
Gen: Office. Bgte.

Dated 20th
Despatched August 1901.
Received

General No. 26 } 190 .
No.

Enclosures Number.

In inviting attention to this office letter No. 7/c-1 dt. 3rd August 1901, showing on the appeal petition of Sitamma regarding Sholur village in the Chickmagalur Taluk, regarding the sale of the Kaisari lands, I am to request the favour of early orders on the subject.

Dy. Commissioner
Kadur District

Recd 28/8.

(6)

Section. LR
File. 253827
Serial No. 6

7299 1901
(General Serial No. 30.)
Per 221

DEC 6 - 1901
1901

From
The Deputy Commissioner
Bahrein District

To
The Secretary to the Government of India
General and Revenue Dept.

Dated 2nd
Despatched 5th December
Received
General No. 899 } 1901/02
No.

Enclosures Number.

Requesting early orders re the sale of Khalsa lands in Zyarani village, Shiraz magalik Zalik.

Return
9 M
Encs

Read
7/12

Kadur District.

Dy-Commissioner's Office.

Camp Kalsa 2d December 1901.

From

H. H. Sparkes. Esquire
Deputy Commissioner
Kadur District.

To.

H. V. Nanjundayya. Esquire
M. A. M. L
Secretary to the Government
of Mysore
General Revenue Department.

Sir,

In inviting reference to Correspondence ending with this office Letter No 126 of the 20th August 1901 reporting on the appeal petition of Sidamma Heggadti Jodidar of Byaravalli village in the Chikmagalur Taluk regarding the sale of Khalsa lands, I have the honor to request the favor of early orders.

I have the honor to be
Sir,
Your most obedient Servant.

Deputy Commissioner
Kadur District

Before the Govt of Ceylon

LR
2 33 & 97
8

Present

C. Sreenivasagar Esqr
and
Rao Bahadur C. Madiah Esqr

Appeal No 33 of 1901-02

Appellant - Sitanna Nagappa

Respondent - Manjia

Subject

Appeal against the order of the Assistant Commissioner Kadur dated directing the sale of the Kirabasti lands in the possession of the appellant for arrears of ~~[illegible]~~ assessment

Facts of the case.

In allocating the Inam in case No 135/278 in Kadavanahalli village, Chikmagalur Taluk, Survey Nos 170, 171 and 174, measuring in all 12 acres and 12 guntas and assessed at Rs 3-8-0 were brought under Excess and fully assessed. The Respondent Manjia possessed

Rect for the appeal
the 2nd Comm
23/6/02

Rd Rupees 24-6-02

Received
24/6/02

LR 24/6/02
Sent to 3rd Comm
25/6/02

26/6/02 (23)

Enst.
4/7/02

possesses $\frac{1}{5}$th share of the
Inam and the appellant
represents the other 4 hissedars.
Manji is not in possession
of any of the above lands
brought under Excess,
but is in possession of 2
Inam numbers. He refused
to pay any portion of the
arrears for 3 years due on
the Excess lands and as the
other hissedars had paid
$\frac{4}{5}$ths of the assessment on
the Excess, the Amildar sold
one of the Inam numbers
in the possession of Manji
in satisfaction of the balance.
In support of this procedure
the Amildar relied on G. O.
No. $\frac{22616-7}{07139-93}$ dt 19-6-94 passing
orders on the appeals of
Sobha Bhatta of Agavanahi,
Padiar Taluk and ruling
that the assessment on
the Excess should be
charged as Jodi on the

entire Inam, the combined
Jirit rent being recovered
from the shares in the
proportion of the Survey
valuation of the portions
of the Inam held by them.
2. On appeal by Ramji,
the Deputy Collector (Mr.
Weir) held that as the
authorized accounts
showed the arrears as being
due only on the Khalsa
lands, the proceedings
against the Inam lands
were not legitimate and
directed the recovery of the
arrears from one or
more of the Khalsa numbers

Decision

The Dy Commrs order
cannot be supported.
His attention will be
drawn to Bom Pro 2116/
P758-95
& 16th Jany 1902 and he
will be called to take
the requisite action in
accordance with the
Rule therein laid down
and

and which Rule enunciates the principle long followed in such cases.

63 - 87:02.
P.F. 3-02. Encl/ file of Correspondence.

Copy forwarded to the Dy Commr Kiaochau Dr [illegible] together with the records referred to in his telegram No 71 of 5th August 1898.

Draft C

C 2 2 3

Forwarding

Press copy initialed [illegible] 2/7

Recd 7 Aug 02

BEFORE THE GOVERNMEMT OF MYSORE.

PRESENT :

C. SREENIVASIENGAR, ESQ.,

AND

RAO BAHADUR C. MADIAH, ESQ.

Appeal No. 33 of 1901-02.

Appellant	*versus*	Respondent.
Sitamma Heggadati.		Manjaiya.

Subject.

Appeal against the order of the Deputy Commissioner, Kadur District, directing the sale of the Khalsat lands in the possession of the appellant for arrears of assessment.

Facts of the Case.

1. In allocating the inam in Case No. 195—278 in Kudavalli village, Chikmagalur Taluk, Survey Nos. 170, 171 and 174, measuring in all 12 acres and 12 guntas and assessed at Rs. 31-8-0, were brought under excess and fully assessed. The respondent Manjaiya possesses $\frac{1}{5}$th share of the inam and the appellant represents the other four hissedars. Manjaiya is not in possession of any of the above lands brought under excess, but is in possession of two inam numbers. He refused to pay any portion of the arrears for three years due on the excess lands and as the other hissedars had paid $\frac{4}{5}$ths of the assessment on the excess, the Amildar sold one of the inam numbers in the possession of Manjaiya in satisfaction of the balance. In support of this procedure, the Amildar relied on Government Order No. 22616-7 —P. F. 139-93, dated 19th June 1894, passing orders on the appeal of Subbabhatta of Agasarahalli, Belur Taluk, and ruling that the assessment on the excess should be charged as jodi on the entire inam, the combined quit-rent being recovered from the sharers in the proportion of the Survey valuation of the portions of the inam held by them.

2. On appeal by Manjaiya, the Deputy Commissioner (Mr. Weir) held that as the authorized accounts showed the arrears as being due only on the Khalsat lands, the proceedings against the inam lands were not legitimate and directed the recovery of the arrears from one or more of the Khalsat numbers.

Decision.

The Deputy Commissioner's order cannot be supported. His attention will be drawn to Notification No. 2116—P. F. 58-95, dated 16th May 1902, and he will be asked to take the requisite action in accordance with the rule therein laid down and which rule enunciates the principle long followed in such cases.

No. 63—P. F. 3-02, DATED BANGALORE, 8TH JULY 1902.

Copy of the above is forwarded to the Deputy Commissioner, Kadur District, together with the records received with his docket No. 71, dated 5th August 1898.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

Exd.—C.V.

1902-1903

GOVERNMENT OF MYSORE

PETITION

PROCEEDINGS

Dated 8th July 1902

No. 63 / P.F. 3-02

Informing the Deputy Commissioner, Kadur District, that the appeal of Sitamma Heggadati *in re* recovery from her of the arrears of revenue due on the Khalsat lands in Inam Case No. 195—278 of Kuduvalli village, Chikmagalur Taluk, may be disposed of in accordance with Government Notification No. 2116—P. F. 58-95, dated 16th May 1902.

SBP—28-7-02—200